

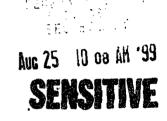
FEDERAL ELECTION COMMISSION

Washington, DC 20463

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MEMORANDUM TO: Office		of the Co	mmission Secretary	,			
FROM:	of Gener	al Counsel 🕡					
DATE:	Augus	st 25,	1999				
SUBJECT:	First	t Genera	al Counsel's Rpt	RAD F	Ref. 99L	-01	
The attached is submitted as an Agenda document for the Commission fleeting of							
Open Session			Closed Session _				
CIRCULATIONS			DISTRIBU	ITION			
SENSITIVE NON-SENSITIVE	<u> X </u>		COMPLIANCE		XX		
72 Hour TALLY VOTE 24 Hour TALLY VOTE		KX	Open/Closed L MUR	Open/Closed Letters			
			DSP				
24 Hour NO OBJECTION				STATUS SHEETS Enforcement			
INFORMATION			Litigation				
			RATING SHEE	ETS			
			AUDIT MATTE	RS			
			LITIGATION				
			ADVISORY O	PINIONS			
			REGULATION	1S			
			OTHER				

FEDERAL ELECTION COMMISSION 999 E Street, N.W.

Washington, DC 20463



FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL:

99L-01

DATE ACTIVATED: June 24, 1999

STAFF MEMBER:

Stephanie Watson

Seth Row

SOURCE:

INTERNALLY GENERATED

RESPONDENTS:

Heather Wilson for Congress and

David A. Archuleta, as Treasurer

RELEVANT STATUTES:

2 U.S.C. § 434(a)(6)

11 CFR §104.5(f)

T. **GENERATION OF MATTER**

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on May 28, 1999. The basis for the referral is the failure of Heather Wilson for Congress and David A. Archuleta, as treasurer, ("the Committee") to file seventy-one (71) 48 Hour Notifications ("48 Hour Notices") for contributions totaling \$104,000. The candidate, Heather Wilson, won the 1998 Special General Election in the State of New Mexico on June 23, 1998 with forty-four percent (44%) of the vote.

FACTUAL AND LEGAL ANALYSIS II.

Based on the Factual and Legal Analysis, Attachment 1, this Office recommends that the Commission find reason to believe that the respondents violated 2 U.S.C. § 434(a)(6).

III. <u>DISCUSSION OF CONCILIATION AND CIVIL PENALTY</u>

IV. RECOMMENDATIONS

- 1. Open a MUR.
- 2. Find reason to believe that Heather Wilson for Congress and David A. Archuleta, as treasurer, violated 2 U.S.C. §434(a)(6) and enter into conciliation prior to finding of probable cause to believe.

3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble General Counsel

8/24/99 Date

BY:

Lois G. Lerner

Associate General Counsel

Attachments:

- 1. Factual and Legal Analysis
- 2. Proposed Conciliation Agreement



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO:

Lawrence M. Noble

General Counsel

FROM

Mary W. Dove/Lisa R. Davis.

Acting Commission Secretal

DATE:

August 30, 1999

SUBJECT:

RAD Referral #99L-01 - First General Counsel's Report

The above-captioned document was circulated to the Commission

on Wednesday, August 25, 1999.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner momas	
Commissioner Thomas	
Commissioner Sandstrom	
Commissioner McDonald	
Commissioner Mason	_
Commissioner Elliott	

This matter will be placed on the meeting agenda for

Tuesday, September 14, 1999.

Please notify us who will represent your Division before the Commission on this matter.